

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte HWA KYUNG LEE, KI YOUNG KIM,  
and JIN HEE YOO

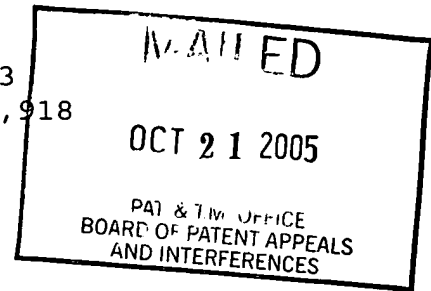
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Appeal No. 2005-2553  
Application No. 09/453,918

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ON BRIEF

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Before KRASS, RUGGIERO and GROSS, Administrative Patent Judges.  
KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 2-14.

The invention pertains to the execution of an object in a wireless Internet Access Terminal, such as on a cell phone with Internet capability. The invention allows one-key access to Internet sites.

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The invention is best illustrated by reference to  
representative independent claim 2, reproduced as follows:

2. A method for executing an object in a wireless internet  
access terminal, comprising steps of:

interpreting data inputted through the internet and displaying  
the inputted data on a screen of the wireless internet access  
terminal, said data including plural objects that are each linked  
to predetermined resource location information;

focusing any one of the objects displayed on the screen; and

selecting and executing any one of various execution items of  
the focused object according to an input state of a single button,

wherein the input states of the single button include a short  
time period input, a long time period input, and a twice  
consecutive input.

The examiner relies on the following references:

|                                |                       |                |
|--------------------------------|-----------------------|----------------|
| Mitchell et al. (Mitchell)     | 5,966,671             | Oct. 12, 1999  |
| Kotola et al. (Kotola)         | 6,321,257             | Nov. 20, 2001  |
|                                | (§ 102(e) date        | Jan. 15, 1999) |
| Kraft et al. (Kraft)           | 6,487,424             | Nov. 26, 2002  |
|                                | (filed Jan. 13, 1999) |                |
| Tuoriniemi et al. (Tuoriniemi) | 6,470,197             | Oct. 22, 2002  |
|                                | (filed May 6, 1999)   |                |

Claims 2-14 stand rejected under 35 U.S.C. § 103. As evidence  
of obviousness, the examiner offers Kotola and Kraft with regard to  
claims 4, 8, 10, 11, and 14, adding Tuoriniemi with regard to

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claims 2, 3, 9, 12, and 13. The examiner offers Kotola, Kraft, and Mitchell with regard to claims 5-7.

Reference is made to the briefs and answer for the respective positions of appellants and the examiner.

#### OPINION

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the examiner to establish a factual basis to support the legal conclusion of obviousness. See In re Fine, 837 F.2d 1071, 1073, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In so doing, the examiner is expected to make the factual determinations set forth in Graham v. John Deere Co., 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teachings, suggestions or implications in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed. Cir.), cert. denied, 488 U.S. 825 (1988); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 293, 227 USPQ 657, 664 (Fed.

Cir. 1985), cert. denied, 475 U.S. 1017 (1986); ACS Hosp. Sys., Inc. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). These showings by the examiner are an essential part of complying with the burden of presenting a prima facie case of obviousness. Note In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). If that burden is met, the burden then shifts to the applicant to overcome the prima facie case with argument and/or evidence. Obviousness is then determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. See Id.; In re Hedges, 783 F.2d 1038, 1040, 228 USPQ 685, 687 (Fed. Cir. 1986); In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984); and In re Rinehart, 531 F.2d 1048, 1051, 189 USPQ 143, 146-147 (CCPA 1976). Only those arguments actually made by appellant have been considered in this decision. Arguments which appellant could have made but chose not to make in the brief have not been considered and are deemed to be waived [see 37 CFR §41.67(c)(1)(vii)].

With regard to independent claim 4, the examiner pointed to column 2, lines 32-37, column 3, lines 17-32, and 59-65, column 8, lines 64-67, and column 9, lines 1-10, of Kotola for "interpreting

data inputted through the internet and displaying the inputted data on a screen." The examiner pointed to column 3, lines 24-32, column 7, lines 4-14, column 8, lines 64-67, and column 9, lines 1-10, of Kotola for "data including plural objects that are each linked to predetermined resource access location information."

The examiner recognized that Kotola did not specifically teach focusing any one of the objects displayed on the screen, displaying plural execution items sequentially one by one by displaying one of the plural execution items of the focused object on one screen and executing an execution item displayed on the present screen by inputs from a button. However, the examiner pointed to Kraft, at column 1, lines 20-27 and 30-36, as well as to Figure 6, for a teaching of a data entry method for highlighting any one of plural objects and for displaying plural execution items sequentially one by one by displaying one of the plural execution items of the highlighted object on one screen (abstract, column 1, lines 20-27, 30-36, and 52-59 of Kraft) and executing an execution item displayed on the present screen by inputs from a button (Figure 6, column 1, lines 52-59; column 2, lines 28-41; column 3, lines 35-40; column 12, lines 63-65).

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The examiner reached the following conclusions (see page 4 of the answer):

One would have been motivated to adapt Kraft's teaching of displaying plural execution items to implement said calculator functions in their mobile phone systems using such display and item focus method (column 12, lines 28-67).

One would have been motivated "to use Kraft's displaying method since it supports complex signs displaying that includes said Chinese characters or so on (col. 3, lines 11-12)."

It would have been obvious to combine the teachings of Kotola and Kraft "because Kraft's teaching of displaying plural execution items sequentially one by one provides an organized screen display and allows user to easily view and pick the desire objects which includes complex signs or characters (col. 1, lines 20-27, 30-36) (sic)."

With regard to independent claim 2, the examiner applied basically the same rationale, but added (answer-page 7) that it would have been obvious to combine Kotola and Kraft

because Kraft's teaching of displaying and highlighting the objects, selecting and executing the highlighted object according the input state of a single button eliminates the needs of using or having multiple buttons for selection on the mobile device and can reduce the size of the mobile device such as a cellular phone (sic).

The examiner also added the teachings of Tuoriniemi because the Kotola/Kraft combination does not teach that the input state of the button includes a short time period input, a long time period input, and a twice consecutive input. While citing Tuoriniemi, column 3, lines 47-48; column 4, lines 46-59; column 5, lines 20-29; column 6, lines 50-57, and Figure 6, the examiner also asserted that "it is well known that a button can support different input states" (answer-page 7), citing the example of a mouse input device and the power button of a Palm pilot device.

The examiner concluded that it would have been obvious to combine these three references "because Tuoriniemi's teaching of providing three or more different input state to a single button reduce the number of unnecessary buttons on Kotola and Kraft's apparatus" (sic) (answer-pages 7-8).

Appellants argue, inter alia, that the combined references do not teach or suggest "interpreting data inputted through the internet and displaying the inputted data on a screen of the wireless internet access terminal, said data including plural objects that are each linked to predetermined resource location information" (principal brief-pages 7, 10). More specifically, appellants contend that the short message service (SMS) of Kotola provides textual representation of a URL and that merely providing a textual representation of a URL "that corresponds to an internet location is NOT linking data to predetermined resource access location information, but is just identifying a particular location" (reply brief-page 6).

We agree with appellants.

In Kotola, the user employs a SMS by submitting to a service center a short message containing an identifier of a world wide web (WWW) servicer via the Internet, receiving the WWW page and storing it. Thus, what is displayed on the screen of the access terminal in Kotola is a message which "identifies" a web location.

Eventually, in Kotola, the information on the desired web page is obtained via the identification, and it appears that the examiner's position is that this "identification," or "association" of the displayed data with the resource location information is a "link" of that data with the resource location information.

While we understand the examiner's position to be that one could take a very broad, general, interpretation of "link" as being any type of association, we conclude that in the instant case, that interpretation would be unreasonable.

It is clear from the instant disclosure as well as the instant claim language that we are dealing with a particular environment, viz., the execution of an object "in a wireless internet access terminal." In such an Internet environment, the term "link" or "linked" has a very specific definition.

"In hypertext systems, such as the World Wide Web, a link is a reference to another document. Such links are sometime called *hot links* because they take you to other document (sic) when you click on them."<sup>1</sup>

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<sup>1</sup><http://isp.webopedia.com/TERM/L/link.html>, accessed October 12, 2005. A copy is included with this decision.

"HYPERTEXT LINK: An easy method for retrieving information by choosing highlighted words or icons on the screen. The link will take you to related documents or sites."<sup>2</sup>

Thus, the skilled artisan would have understood that the use of the term "linked" in the claim, as in "plural objects that are each linked to predetermined resource location information," means more than some general association of a written text, or input data, with resource location information. Rather, there must be a direct linkage of an input item with the resource location information such that selection and execution of that data item will take one directly to the resource location information, or the web site, with no intervening steps. Our decision in this case is based on this narrow interpretation of the term "linked," as recited in the instant claims.

Based on this interpretation, it is clear to us that Kotola does not disclose or suggest such a link between input data objects and predetermined resource location information since an identification of an URL corresponding to an internet location does not provide for a "link" to predetermined resource location

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<sup>2</sup><http://www.ed.gov/pubs/parents/internet/glossary.html>, Parents Guide To The Internet-November 1997; accessed October 12, 2005. A copy is included with this decision.

information. One cannot click on, or select and execute, the item, or short message text on Kotola's display screen and be taken directly to predetermined resource location information on a particular web site. None of the other references cited by the examiner provide for this deficiency in Kotola.

But, even assuming, arguendo, which we do not, that Kotola might be said to provide for "...plural objects that are each linked to predetermined resource location information," the examiner's rationale for making the combination of Kotola and Kraft appears weak.


The examiner's rationale for the combination, as stated on page 4 of the answer, is that it would have been obvious to make the combination "because Kraft's teaching of displaying plural execution items sequentially one by one provides an organized screen display and allows user (sic, users) to easily view and pick the desire (sic, desired) objects which includes complex signs or characters." This reasoning, however, does not explain what would have led the artisan to modify the Kotola device so as to provide for the display of plural execution items sequentially one by one, in the claimed manner. Since Kotola teaches the use of a SMS message, it is not clear what would have led the artisan to modify

this message, by displaying the "complex signs" the examiner attributes to Kraft on Kotola's display, nor is it clear from the references what advantage would be gained by substantially modifying the SMS messages of Kotola to provide for the data entry system of Kraft.

Accordingly, we will not sustain the rejection of independent claims 2 and 4, or of claims 3, and 5-14, dependent thereon, under 35 U.S.C. § 103.

The examiner's decision is reversed.

REVERSED

  
ERROL A. KRASS  
Administrative Patent Judge

*Joseph F. Ruggiero*  
JOSEPH F. RUGGIERO  
Administrative Patent Judge

*Anita Pellman Gross*  
ANITA PELLMAN GROSS  
Administrative Patent Judge

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